

III. REMARKS

Claims 1-16 are pending in this application. By this amendment, claims 1, 4, 10 and 12-15 have been amended. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claim 4 is rejected under 35 U.S.C. §112 as allegedly being indefinite. Claims 1-3, 6-8 and 12-16 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Davis *et al.* (U.S. Patent No. 6,064,736), hereafter "Davis." Claims 4, 5, 9, 10 and 11 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Davis in view of Yatsukawa (U.S. Patent No. 6,148,404), hereafter "Yatsukawa."

A. REJECTION OF CLAIM 4 UNDER 35 U.S.C. §112

The Office has asserted that claim 4 is indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended claim 4 to recite "...generating a common secret session key at both the client and server data processing systems using the cipher-protected client password generated at the client with the encryption algorithm and the stored cipher-protected client password at the server that is encrypted with the encryption algorithm." Applicants assert that this amendment further clarifies the invention. Accordingly, Applicants request that the rejection be withdrawn.

B. REJECTION OF CLAIMS 1-3, 6-8 and 12-16 UNDER 35 U.S.C. §102(b)

With regard to the 35 U.S.C. §102(b) rejection over Davis, Applicants assert that Davis does not teach each and every feature of the claimed invention. For example, with respect to independent claims 1 and 12-15, Applicants submits that Davis fails to teach that the authentication check is adapted to be performed without having the client password in a cleartext format on the server data processing system. Instead, Davis teaches that "...the server then further authenticates the client by having the client send the clear password over the encrypted pipe." Col. 4, lines 57-60; see also col. 5, lines 1-4. To this extent, the server in Davis has the password in a clear format after receiving it from the client. In contrast, the claimed invention includes "...wherein the authentication check is adapted to be performed without having the client password in a cleartext format on the server data processing system." Claim 1. As such, unlike Davis in which the server has the clear password that is sent to it by the client, the authentication check of the claimed invention is adapted to be performed without having the client password in a cleartext format. Thus, the authentication check of the claimed invention is not taught by Davis. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With respect to claim 3, Applicants respectfully submits that Davis also fails to teach a process at the client data processing system applying the cipher function to the client password which corresponds to the stored cipher-protected client password, wherein the cipher function is an encryption algorithm. The passage of Davis cited by the Office teaches "[a]t the client, the password is hashed at 321 and the SessionKey is decrypted at 323." Col. 4, lines 50-52. To this extent, the password of Davis is hashed and not encrypted. However, even assuming, *arguendo*,

that the password of Davis is encrypted as asserted by the Office, the encryption of the password would not correspond to the passwords stored in the Davis server, as Davis refers to these passwords as hashed and not encrypted. See e.g., col. 2, lines 10-11, 22-25, and 27-40; col. 3, lines 39-41; col. 4, lines 60-64. Nowhere does Davis teach that its password is password is ciphered by applying an encryption algorithm to correspond to a password that is stored in a server. The claimed invention, in contrast, includes "...a process at the client data processing system applying the cipher function to the client password which corresponds to the stored cipher-protected client password," "...wherein the cipher function is an encryption algorithm." Claims 1 and 3. As such, unlike Davis, which teaches only hashing for storing and comparing the client password to the password stored in the server, the cipher function that is applied to the client password and that corresponds to the stored cipher-protected client password is an encryption algorithm. For the above reasons, the hashing of the password in Davis does not teach the applying of the encryption algorithm cipher function of the claimed invention. Accordingly, Applicants request that the rejection be withdrawn.

With respect to the Office's other arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

C. REJECTION OF CLAIMS 4, 5, 9, 10 and 11 UNDER 35 U.S.C. §103(a)

With regard to the 35 U.S.C. §103(a) rejection over Davis in view of Yatsukawa, Applicants assert that the combined references cited by the Office fail to teach or suggest each and every feature of the claimed invention. For example, with respect to independent claim 9, Applicants respectfully submit that the combined references fail to teach or suggest that the server data processing system's password repository is preferably integrated within the operating system of the server data processing system. The Office admits that Davis fails to disclose this feature. Office Action, page 6, para. [019]. Instead, the Office relies on a passage in Yatsukawa, which states:

FIG. 16 shows the system construction of the server provided for the present embodiment.

The server utilizes, as an OS, for instance, WINDSOS, MAC OS, UNIX, or NETWARE. The communication protocol used in the network is for instance, TCP/IP, OSI or NETWARE. Col. 19, lines 1-6.

Interpreting Yatsukawa solely for the purpose of this paper, the passage cited by the Office, while listing a number of operating systems and communication protocols, does not teach or suggest a server data processing system's password repository that is preferably integrated within the listed operating systems that may be used with its server. In contrast, the claimed invention includes "...wherein the server data processing system's password repository is preferably integrated within the operating system of the server data processing system." Claim 9. As such, the operating system of the server data process system of the claimed invention is not merely chosen from a list of operating systems and protocols as in Yatsukawa, but rather has a server data processing system's password repository preferably integrated within. Thus, the list of operating systems and protocols of Yatsukawa does not teach or suggest the server data processing

system's password repository of the claimed invention. Accordingly, Applicants respectfully request that the Office's rejection be withdrawn.

With regard to the Office's other arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims listed above. In addition, Applicants submits that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicants will forego addressing each of these rejections individually, but reserve the right to do so should it become necessary. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

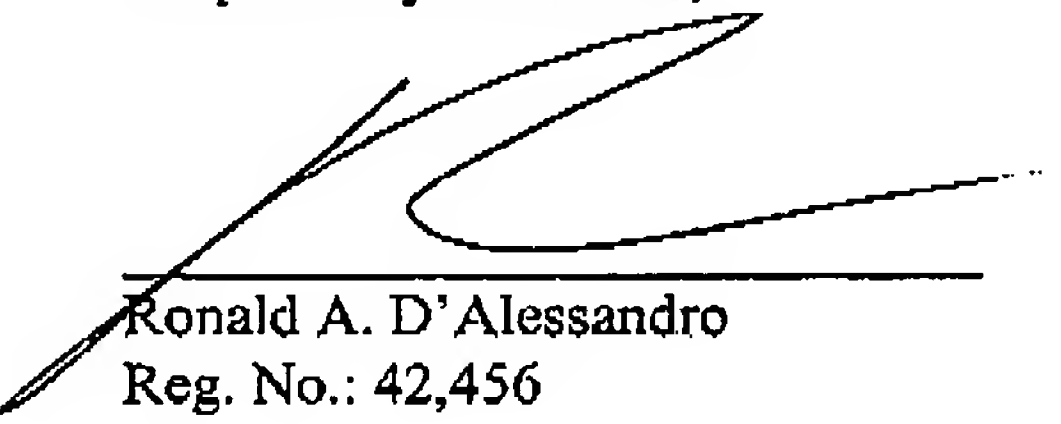
VI. CONCLUSION

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed hercin for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

Date: December 20, 2005



Ronald A. D'Alessandro
Reg. No.: 42,456

Hoffman, Warnick & D'Alessandro LLC
Three E-Comm Square
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)

RAD/hew